IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 16196 of 2004

Between:

P.H.S. Venu Prasad S/o.P.Prabhakar Rao,

Aged 32 years, Occ: Asst.Divisional Engineer,
at G.T.P.S Vijjeswaram, W.G District

..... PETITIONER

AND

1.A.P.Transco represented by its General Manager (Personnel),

Vidyut Soudha, Hyderabad.
2.The Addl. Secretary/Convenor, High Level Committee on options

constituted as per the triparte agreement, A.P.Transco,

Vidyut Soudha, Hyderabad.
3.A.P.Transco represented by its Chairman and Managing Director,

Vidyut Soudha, Hyderabad.
4.A.P. Genco, represented by its General Manager (Admn.), Vidyut

Soudha, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring the impugned proceedings of the second respondent in proceedings Letter No.JDM(HRD)/addl. Secy./59/2002 Dated: 30.09.2002 as wholly arbitrary, illegal and vitiated by non application of mind and consequently direct the respondents to forthwith absorb the services of the petitioner into A.P.E.P.D.C.L with all concomitant service benefits.

Counsel for the Petitioner: MR.S.SHARAT KUMAR

Counsel for the Respondents: MR.S.RAVINDRANATH, Standing Counsel for A.P.Transco.

The Court at the stage of admission made the following :

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THE HONOURABLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION No.16196 OF 2004

ORDER:

The petitioner is working as Assistant Divisional Engineer under the respondent-Corporation. He was appointed by the erstwhile Andhra Pradesh State Electricity Board in 1993 as an Assistant Engineer. He was promoted as an Assistant Divisional Engineer in May, 2002 and he is continuing there. In pursuance of the Notification dated 27.04.2002, he exercised his first option in favour of A.P.Genco and second option in favour of A.P.E.P.D.C.L., Visakhapatnam and third option in favour of A.P.Transco. Subsequently, after seeing a press statement of the Convenor of High Level Committee dated 10.07.2002, he submitted a revised option in favour of A.P.E.P.D.C.L., Visakhapatnam requesting to absorb his services into the said organization. He mentioned in the revised option that he has been suffering with Von Willibran disease (Hemophilia). He submitted a detailed representation to the Chairman and Managing Director of A.P.Transco, Hyderabad on 25.09.2002. In response to the petitioner's representation, the second respondent through his letter dated 30.09.2002, directed the petitioner to seek deputation of his service to A.P.E.P.D.C.L., Visakhapatnam with the concurrence of A.P.Genco.

2. The petitioner being aggrieved by the letter dated 30.09.2002 of the second respondent approached this Court seeking to declare the said proceedings as arbitrary, illegal and passed without application of mind and to direct the respondents to absorb his services into A.P.E.P.D.C.L., Visakhapatnam with all consequential benefits.

3. A suggestion was given by the second respondent through the letter dated 30.09.2002 that the petitioner may seek deputation of his services to the A.P.E.P.D.C.L., Visakhapatnam. The petitioner did not make any representation seeking deputation to A.P.E.P.D.C.L., Visakhapatnam. It is not the prerogative of the employee to invariably get the station he opt for. The options will be considered by the concerned authorities on the basis of administrative exigencies and practicability. There is no illegality in the letter dated 30.09.2002 of the second respondent. The petitioner kept quite for these two years and now approached this Court questioning the order of the year 2002. Therefore, the writ petition cannot be maintained, but the petitioner if so desires, may make an application for deputation of his services to the A.P.E.P.D.C.L., Visakhapatnam in pursuance of the suggestion given to him by the second respondent through the letter dated 30.09.2002 and in the event of the petitioner making such application with a request for deputation to the A.P.E.P.D.C.L., Visakhapatnam, the respondents may consider the said representation sympathetically in view of the ailment of Hemophilia with which the petitioner is said to be suffering and pass appropriate orders on the said representation.

4. The writ petition is accordingly disposed of. No costs.

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Dr.G.YETHIRAJULU, J

Date: 13th September, 2004.

Cs/Dsr

SPECIAL OFFICER

//TRUE COPY//

SECTION OFFICER

To

1. The General Manager (Personnel), A.P.Transco., Vidyut Soudha, Hyderabad.

2. The Additional Secretary/Convenor, High Level Committee on options constituted as per the triparte agreement, A.P.Transco, Vidyut Soudha, Hyderabad.

3. The Chairman and Managing Director, A.P.Transco., Vidyut Soudha, Hyderabad.

4. The General Manager (Admn.), A.P.Genco, Vidyut Soudha, hyderabad.

5. Two C.D. copies.